Summary of Comments and Responses to 45-Day Comment Period Ending February 8, 2002

Privacy of Nonpublic Personal Financial and Medical Record Information

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (1-W) HIS (1-W) AIA (9-W) AAI (14-W)	Not enumerated	Does not want California-specific privacy notice requirements and opt out language	Noted as general concern, not requiring further response. However, similar comments are specifically addressed in response to comments to specific provisions relating to notice and opt out requirements elsewhere in this rulemaking file.	No
PIFC (2-W)	Not enumerated	Provisions are inconsistent with GLBA, California Insurance Code §791, and Fair Credit Reporting Act	Noted as general concern. Insufficient detail to respond further, but specific issues are addressed elsewhere in this rulemaking file.	No
PIFC (3-W) AAI (1-W)	Not enumerated	Regulations exceed authority	Noted as general concern. Insufficient detail to respond further, but specific authority issues are addressed elsewhere in this rulemaking file.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Oregon Mutual (2-W)	Not enumerated	Does not want to impede claims handling and fraud investigation and reporting.	Noted as general concern. Insufficient detail to respond further. However, the Department believes that nothing in these regulations will impede claims handling or fraud investigations.	No
ACLI (1-O)	Not enumerated	Uniformity among states is important to members	Noted as general concern. Insufficient detail to respond further. To the extent possible, the regulations are consistent with the new NAIC model, recognizing that the regulations must be consistent with existing California law.	No
Coppinger (1-W)	Not enumerated	Regulations are much needed.	Noted as general support. Insufficient detail to respond further.	No
Oregon Mutual (3-W)	Not enumerated	Provisions impose high costs on insurers that only collect/disclose personal information as permitted by CIC § 791.13 and only have insurance affiliates.	Noted as general concern. Insufficient detail to respond further. However, an insurer only disclosing information as permitted by CIC §791.13 will not be significantly impacted by these regulations other than to the extent required by GLBA.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AAI (13-W) AIG (1-W)	Not enumerated	Provisions are inconsistent with federal regulations for banks and securities firms.	Decline to accept. Proposed regulations implement, interpret and make specific existing insurance law, CIC §791-791.27, as well as implement 15 U.S.C., Subchapter I, Sections 6801-6810 (GLBA). 15 U.S.C. §6807 explicitly authorizes states to adopt regulations implementing greater privacy protections, construing such provisions as "consistent" with federal regulations. Therefore, to the extent that these regulations provide greater privacy protections than the federal regulations, they are not inconsistent. Additionally, some provisions of these regulations would not be applicable in the same manner to banks and securities firms, which maintain different data. The regulations are consistent to the extent possible, given the competing laws and policy concerns.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
State Farm (6-W)	Article IV	Wants to delay safeguarding standards until NAIC drafts a model regulation.	Decline to accept. 15 U.S.C. §6805 requires states to adopt regulations now to preserve greater privacy protections permitted by CIC §791 et seq.. Additionally, the NAIC has now adopted its model, and the states are in the process of doing so as well. The federal agencies have adopted similar regulations, and the federal government has criticized the states for not yet adopting safeguarding standards.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
State Farm (7-W)	Not enumerated	CDI has no authority over foreign insurers licensed to do business in California. 15 U.S.C. §6805(a)(6) does not grant the Dept. of Insurance authority over foreign insurers licensed to do business in California.	Decline to accept. Misinterprets state and federal laws. CIC §791 et seq. imposes obligations on licensees that collect, receive or maintain personal information pertaining to consumers who are residents of California or who engage in insurance transactions involving policies issued in California. Regulations implementing these standards are within the scope of authority implied by CIC §§791-791.27. 15 U.S.C. §6801, 6805(b) also grant authority to the Insurance Commissioner to implement standards for the collection, use, disclosure and safeguarding of nonpublic personal information.	No
AFLAC (3-W)	Not enumerated	Wants the same business exceptions as in the 2000 NAIC model act.	Decline to accept. Regulations cannot add business exceptions not set forth in CIC §791 et seq. Statutory changes require legislative action. To the extent possible, these regulations do adopt the provisions of the 2000 NAIC model.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AFLAC (6-W)	Not enumerated	Wants California to adopt the 2000 NAIC model Rule	Decline to accept. Statutory changes require legislative action. See preceding response.	No
HIS (2-W) MetLife (11-W)	Not enumerated	Wants CDI to withdraw the proposed regulations until the outcome of the Governor's legislative proposal.	Decline to accept. 15 U.S.C. Section 6805 requires adoption of regulations now to preserve greater privacy protections permitted by CIC §791 et seq.. The legislature has not adopted privacy legislation. In the meantime, licensees are requesting guidance as to how they should implement both CIC §791 et seq. and GLBA. Additionally, the Department requires enforcement standards.	No
AIA (27-W)	Not enumerated	Wants to add the NAIC model regulation's examples and Rule of Construction that examples are not exclusive.	Decline to accept suggestion to add NAIC examples. In the interest of brevity, not all examples in the NAIC model regulation are included in the Appendix. Because California has an existing privacy law, not all examples set forth in the new NAIC model are necessary. Accept the suggestion to clarify that sample clauses are not exclusive.	Revise to add statement in the first paragraph of Appendix A that the sample clauses are not exclusive.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
CAHU (1-O)	Not enumerated	Wants regulations to distinguish between classes of licensees and be more specific as to requirements of agents to make it easier to comply.	Decline to accept. CIC §791 et seq. does not distinguish between classes of licensees. Regulations are designed to clarify requirements for all licensees subject to CIC §791 et seq. Specific applicability of various provisions depends upon a licensee's own information-sharing practices.	No
CAHU (2-O)	Not enumerated	Suggests no-sanction voluntary audits, and Questions and Answers on CDI's web-site.	Noted. Suggestions for assistance in complying with regulations are outside of the scope of these regulations and, therefore, require no further response.	No
PIFC (4-W) State Farm (1-W) AAI (2-W) HIS (4-W) AIA (3-W)	2689.2 Scope	There is no authority to cover claimants and beneficiaries. GLBA, Title V, exempts insurance claims processing.	Decline to accept. The scope of these regulations follows the NAIC model regulation and, therefore, facilitates uniformity nationwide. Because individual claimants and beneficiaries are necessarily involved in an insurance transaction primarily for "personal, family or household needs," as defined in CIC §791.02(m), any personal information gathered in that connection is subject to these	No.

			regulations. Section 2689.2 of the proposed regulations implements, interprets or makes specific CIC §791.01(b) and 791.02 and is within the scope of authority implied by CIC §791-791.27 and authorized in 15 U.S.C. §§6801, 6805, 6807. 15 U.S.C. §6807 explicitly authorizes states to adopt regulations implementing greater privacy protection. The comment that claims processing is exempt from these regulations misinterprets 15 U.S.C. §6802(e). That provision does not limit the scope of application of federal law or regulations, but simply sets forth an exception to the prohibition against disclosure of nonpublic personal information without first providing an opportunity for the consumer to opt out.	

Comment Source	Section	Summary of Comment	Response	Revisions Needed
NAII (1-W) Oregon Mutual (4-W) Wells Fargo (3-W)	2689.2 scope	Does not want regulations to apply to a dual purpose policy or to commercial insurance. Wants to delete 2nd and 3rd paragraphs. Similar comment. "Dual purpose" explanation is unclear. Wants to use product as basis to determine whether purpose is "personal" or "commercial." Similar comment. Wants to use test of "primarily for personal, family, or household purposes" for dual purpose insurance.	Decline to accept. CIC §791 et seq. establishes standards for the collection, use and disclosure of personal information gathered in connection with insurance transactions, and §791.01 sets forth the scope of application of such standards. Section 2689.2 of these regulations implements, interprets and makes clear the scope of such statutory mandates, and is within the scope of authority implied by CIC §791-791.27 and granted in 15 U.S.C. §§6801, 6805, and 6807.	No
AIA (26-W)	2689.2 scope	Wants to follow NAIC model regulation in which licensees domiciled in California in compliance with 2000 NAIC model regulation in a state that has not enacted laws or regulations implementing Title V of GLBA to be deemed in compliance of GLBA in such other state.	Decline to accept. Exceeds Department's authority pursuant to doctrine of federal pre-emption barring state from modifying federal law except as explicitly provided. Misinterprets 2000 NAIC model regulation provision which notes it intends Subsection 2C to give guidance only.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Wells Fargo (1-W)	2689.2 scope	Wants to amend section stating that regulations only pertain to consumers who are residents of California	Decline to accept. Regulations apply to all licensees subject to CIC §791 et seq. CIC §791.01 sets forth the scope of licensees subject to §791-791.27, which scope cannot be altered by regulation. Statutory changes require legislative action.	For clarity, first paragraph of section 2689.2 is revised to make clear that regulations apply to licensees subject to CIC §791 et seq. For licensees not subject to CIC §791 et seq. but subject to GLBA provisions, 2689.2 makes clear that those licensees shall comply with sections 2689.12 through 2689.20 of the proposed regulations.
AIA (14-W)	2689.2 licensee	Wants to exempt excess lines brokers and insurers from regulations	Decline to accept. CIC §791.01 sets forth the scope of licensees subject to §791-791.27, which scope cannot be altered by regulation. Statutory changes require legislative action.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
CLTA (1-W) ChoicePoint (1-W)	2689.2 licensee	Wants to amend regulations to apply only to licensees subject to CIC §791-791.27	Accept. Regulations will be revised to indicate applicability to licensees subject to CIC §791 et seq. Licensees not subject to § 791 et seq., but subject to 15 U.S.C. Subchapter 1, §6801-6810 (GLBA), shall comply with GLBA privacy provisions and §§2689.12 through 2689.20 of these regulations..	First paragraph of 2689.2 revised to make clear that regulations apply to licensees subject to CIC §791 et seq.
ChoicePoint (1-W)	2689.2 licensee	Does not want insurance support organizations (ChoicePoint) to be subject to regulations. Wants definition of licensee that will exclude such support organizations.	Decline to accept. CIC §791 et seq. sets forth the scope of licensees subject to the regulations, which scope cannot be altered by regulation. Statutory changes require legislative action. However, CIC §791 et seq. by its terms only applies to specified insurance institutions, agents, or insurance support organizations.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
CLTA (2-W)	2689.2 scope	Wants to add statement that licensees not subject to regulations "shall comply with 15 U.S.C. §§6801-6809.	Accept. Regulations will be revised to clarify that licensees not subject to CIC § 791 et seq., but subject to 15 U.S.C. Subchapter 1, §6801-6810 (GLBA), shall comply with GLBA privacy provisions and sections 2689.12 through 2689.20 of the proposed regulations..	See revised first paragraph of 2689.2.
CEA (1-W)	2689.2 licensee	Clarify whether California Earthquake Authority is "licensee" and subject to regulations, and whether privacy notices are required to be sent.	Noted as a question for clarification rather than a suggested amendment. As such, no further response is required.	No.
HIS (5-W)	2689.2 "nonpublic personal information"	Wants to amend "nonpublic personal information" to "personal information" as in statute.	Accept. To maintain consistency with Insurance Code Sections 791 et seq., references to "nonpublic personal information" will be changed to "personal information" and a definition of "personal information," as defined in CIC §791.02(s), will be added to section 2689.4.	See revised §§2689.2 and 2689.4(i).

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MetLife (1-W)	2689.2 "nonpublic personal information"	Confusing to include "publicly available information" in definition of "nonpublic personal information"	Decline to accept. The definition follows the NAIC model regulation. Technical revisions will be made for clarification.	For continuity, the definition of "personal information" will be moved from 2689.2 to the definition section in 2689.4(i). The definition will be clarified to maintain consistency with CIC §791.02(s), 15 U.S.C. §6809 as well as the NAIC model regulation.
MetLife (2-W) Wells Fargo (2-W)	2689.2 "Internet cookies"	Wants to limit application of regulations to information collected by "cookies" as defined in the regulation Similar comment. Wants to clarify that information collected must be "individually identifiable"	Decline to accept. The definition of "personal information" pertaining to Internet cookies follows the NAIC model regulation to maintain uniformity nationwide.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
State Farm (2-W) AAI (4-W) AIA (1-W) MetLife (3-W) NAII (2-W) HIAA (1-O) PIFC (5-W)	2689.3 "minimum amount necessary"	Does not want standard of "minimum amount necessary" for disclosures. Instead, wants "reasonably necessary" There is no authority.	Accept. Regulations will be changed to limit disclosure to that which is reasonably necessary to accomplish a lawful purpose. Such standard is within the implied authority of CIC §791-791.27.	Revise. See 2689.3.
IBA (3-O)	2689.4 definitions	Define "personal, family or household use" to clarify scope of application of regulations	Decline to accept. After careful review, it has been determined that the scope of application of these regulations has been adequately clarified. Licensees subject to the regulation are clarified in 2689.2, individuals who are protected are clarified in 2689.2, and "personal information" has been defined in 2689.4. In the interest of brevity, a definition of "personal, family or household use" appears unnecessary.	No

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AAA (6-W)	2689.4 definitions	Define "nonpublic personal financial information"	Accept. Regulations will add a definition of "personal financial information" in 2689.4 to maintain consistency with 15 U.S.C. §6809 and NAIC model regulation.	Revise. A definition is added in 2689.4(j).
PIFC (6-W) AFLAC (1-W) AAI (5-W) HIS (6-W) AIA (5-W) CLTA (3-W) HIAA (3-O) IBA (2-O) Farmers (4-W) NAII (3-W) Oregon Mutual (6-W)	2689.4(a) "clear and conspicuous"	Does not want California specific Flesch Reading Ease Score of 50 and 8th grade educational level requirements. Similar comment. Alternatively, reduce Flesch Score to 40. Similar comment. Wants "plain English" standard Does not want 8th grade educational requirement because of difficulty to implement and duplicates Flesch test.	Accept in part, decline in part. Proposed regulations will retain the Flesch Reading Ease Score of 50 as an objective standard to insure a notice is reasonably understandable. The subjective standard of being understood by those having an average eighth grade educational level will be eliminated to facilitate compliance.	2689.4(viii) is deleted.

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CAHU (3-O)	2689.4(a) "clear and conspicuous"	Wants sample notices	Decline to accept. Because of the varied size and type of licensees, it is difficult to draft a sample notice suitable for all, and would unnecessarily add to the length of these regulations. Appendix A includes sample clauses to use as appropriate.	No
Wells Fargo (4-W)	2689.4 Flesch test and 8th grade level	Wants to delay effective date for one year to meet readability standards.	Decline to accept. 15 U.S.C. §6805 requires states to adopt regulations now to preserve greater privacy protections permitted by CIC §791 et seq..	No
AIA (4-W)	2689.4(a) "clear and conspicuous"	Does not want requirement of short explanatory sentences (average of 15-20 words)	Decline to accept. Misinterprets provision. Short explanatory sentences are descriptive rather than prescriptive since phrased as "whenever possible." Follows 2000 NAIC model regulation.	No.
PIFC (7-W) AAI (6-W) HIS (7-W) AIA (6-W) CLTA (4-W) NAII (4-W) MetLife (4-W)	2689.4(a) minimum 12 point type size	Does not want California specific 12 point type size for notices Reduce to 10 point size	Accept. Will reduce minimum point type size to 10 point for flexibility, similar to other Insurance Code provisions such as §100083.	Revise. See 2689.4(a).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (8-W) AAI (9-W) AIA (3-W) NAII (5-W)	2689.4(c) "consumer"	There is no authority to define "consumer" to include "beneficiary," "claimant," "personal injury claimant under commercial liability policy," and "worker's compensation claimant."	Decline to accept. The definition of "consumer" is similar to the 2000 NAIC Model Privacy Regulation, Section 4 F(2) and to that extent facilitates uniformity nationwide. Individual claimants, including those making claims against a commercial, group, or workers' compensation policy, are necessarily involved in an insurance transaction primarily for "personal, family or household needs," as defined in CIC §791.02(m) and personal information gathered about them is subject to these regulations. Authority is implied by CIC §791-791.27 and granted in 15 U.S.C. §§6801, 6805, 6807.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Oregon Mutual (7-W)	2689.4(c) "consumer"	Clarify when a non-disclosure agreement with third-parties is required by CIC §791.13.	Noted as point of clarification. The purpose of this subsection is to define a "consumer" rather than set forth non-disclosure agreement requirements. In addition, the comment is broad and, as such, a more detailed response cannot be provided.	No.
CAHU (2-O)	2689.4(c)(5) "consumer"	Supports group exemption	Support noted. Does not require further response.	No.
PIFC (9-W) AIA (13-W) NAII (6-W)	2689.4(d) definition of "customer"	Clarify definition of "customer" by amending to read "a consumer who has a continuing relationship with a licensee…"	Accept. Regulations will be changed to add "continuing" relationship to clarify the definition of "customer"	Revise. See 2689.4(d).
PIFC (10-W) Farmers (1-W)	2689.4(d)(vi) "customer"	Does not want a consumer defined as remaining a "customer" for 12 months after policy expires	Accept. Although this example follows the NAIC model regulation, regulations will delete this example to avoid confusion.	Revise. 2689.4(d)(vi) will be deleted.
AIA (28-W)	2689.4(d)(ii) "customer"	Delete reference to "airline" and retain "travel insurance" as example of isolated transaction constituting no continuing customer relationship.	Accept. Regulations will delete narrow reference to "airline" for clarity.	Revise. See 2689.4(d)(ii).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
MetLife (5-W)	2689.4(d) "customer"	Wants to mirror "customer" definition in NAIC model regulation	Decline to accept. 2689.4(d) follows Subsections I and J in the 2000 NAIC model regulation. Thus, CDI has insufficient detail to respond further.	No.
CLTA (5-W)	2689.4(d) "customer"	Wants to add example of termination of customer relationship in circumstances of providing real estate settlement services when customer completes execution of documents, pays, or licensee completes responsibilities.	Decline to accept. The regulations contain non-exhaustive examples to provide clarity. To add more examples would unnecessarily increase the length of these regulations.	No.
PIFC (11-W)	2689.4(d)(viii) "customer"	Clarify "good faith attempt" to obtain valid address. Does not want obligation beyond sending notice to last known address.	Accept. Will delete reference to "good faith attempt" to avoid confusion.	Revise. Reference to "good faith attempt" is deleted.
AIA (15-W)	2689.4(g) "nonaffiliated third party"	Wants exception to definition of nonaffiliated third party for "joint employee" as in NAIC model regulation.	Decline to accept. Regulations cannot add exceptions not set forth in CIC §791 et seq. Statutory changes require legislative action.	No.
NAII (7-W)	2689.4(g) "nonaffiliated third party"	Wants grammatical change to read "'nonaffiliated third party' means any person or entity that is ~~not~~ neither an affiliate of, ~~or~~ nor related by common ownership or affiliated by corporate control with, a licensee."	Decline to accept. Since this language follows 15 U.S.C. Section 6809(5) (GLBA), and is grammatically correct because the sentence defines three possibilities rather than two, it will be retained for uniformity.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Oregon Mutual (8-W)	2689.4(h) "ownership of voting securities"	Correct typo. Reference to 790.02(g) should be 791.02(g).	Accept. Will revise proposed regulation to correct inadvertent mistake.	Revise. The reference is changed to 791.02(g). See 2689.4(h).
Oregon Mutual (9-W)	2689.4(i) "publicly available information"	Does not want licensee obliged to take steps to determine if an individual has directed that information not be made available to the general public when an individual can so direct.	Decline to accept. Section 2689.4 is within the authority implied by CIC §791-791.27 and granted in 15 U.S.C. §6801, 6805, and 6807.	No.
Oregon Mutual (1-W)	2689.5(a) initial privacy notice	Clarify that insurer is not required to provide a privacy notice to a claimant if the insurer discloses personal information in circumstances not subject to opt out .	Accept. Regulations will clarify a licensee's notice obligations to a claimant.	Revise. See 2689.5(a)(2)
PIFC (12-W) NAII (8-W)	2689.5(a) initial privacy notice	Wants to deliver initial privacy notice with policy rather than when licensee establishes customer relationship. There is no authority because CIC §791.04(a) does not provide for notice at time customer relationship is established.	Decline to accept. 15 U.S.C. §6803(a) (GLBA) requires a licensee to provide an initial privacy notice at the time a customer relationship is established. Since earlier delivery of a privacy notice affords greater privacy protection than that in CIC §791.04(a), that requirement controls. Authority is explicitly granted in 15 U.S.C. §6801, 6805 and 6807.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (13-W) Farmers (2-W) AIA (22-W)	2689.5(c) later delivery of initial privacy notice	Does not want requirement of customer's consent for later delivery of initial notice. Does not want to document consumer's oral acknowledgment.	Accept. Regulations will delete requirement of customer's consent to receive the notice at a later time since it is implied by the customer's request for prompt delivery of an insurance product or service.	Revise. See 2689.5(c)(2).
PIFC (14-W) AAA (1-W) NAII (9-W)	2689.5(c) oral disclosure of privacy notice	Does not want requirement to disclose entire privacy policy orally. Clarify what must be disclosed orally and documentation requirements.	Accept. Regulations will be revised to require disclosure of an abbreviated notice, set forth in CIC §791.04(c), rather than the entire privacy notice and clarify that an oral disclosure requirement does not apply to licensees who do not disclose personal information other than as permitted in CIC §791.13.	Revise. See 2689.5(c)(2).

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PIFC (15-W) Farmers (3-W) AIA (23-W) NAII (10-W)	2689.5(c) later delivery of privacy notice	Three (3) days is not enough time to deliver privacy notice. Wants at least 14 days to mail. Similar comment. Wants 10 business days to mail. Similar comment. Wants "reasonable time" to mail. Similar comment. Wants to deliver notice at time policy is delivered.	Accept. Regulations will be changed to extend time for subsequent delivery of privacy notice to 14 business days from the date of sale.	Revise. See 2689.5(c)(2).
AIA (16-W)	2689.6 annual privacy notice	Wants to add examples clarifying customer relationship as in NAIC model regulation.	Decline to accept. Examples clarifying customer relationship appear in 2689.4(d) and follow the NAIC model regulation. Further examples are unnecessary for clarity.	No.
NAII (11-W)	2689.6 annual privacy notice	Wants to add example of 12 month period from NAIC model regulation as follows: "For customers receiving these initial notices in year 1, the licensee shall provide an annual notice to those customers by December 31st of year 2."	Decline to accept. Upon careful review, it has been determined that Section 2689.6 adequately clarifies the period of 12 months without the need for unnecessarily adding to the length of the regulations by adding further examples.	No.

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MetLife (6-W)	2689.6 annual notice	Wants to follow GLBA notice requirements since CIC §791 et seq. does not require annual notice	Decline to accept. In the absence of annual notice requirements in CIC §791 et seq., these regulations harmonize and implement federal law by adopting the annual notice requirement of 15 U.S.C. §6803. Since 15 U.S.C. Subchapter I establishes minimum standards, and §6807 explicitly authorizes a state to provide greater privacy protection, these regulations implement and make clear the annual notice requirements.	No.
AIA (8-W)	2689.7 information in privacy notice	Does not want privacy notice to include medical record information	Decline to accept. As defined in CIC §791.02(s), the statute requires inclusion of medical record information. Statutory changes require legislative action.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Prudential (1-O)	2689.7 information in privacy notices	Wants separate information requirements for initial and annual notices for products that are only underwritten once, such as life, annuity, and long-term care, so that insurers may issue a "combined notice" that complies with GLBA and California.	Accept. Regulations will clarify that subsequent annual notices need only indicate, if applicable, that the licensee has not collected additional personal information and discloses no personal information other than as authorized by CIC §791.13.	Revise. See 2689.7(b)
PIFC (18-W)	2689.7(a)(10) information in privacy notice	Wants to revise sample clause in Appendix A describing which employees will have access to nonpublic personal information.	Decline to accept. Misinterprets purpose of sample clause. Sample clause is example of description to be used, but only if appropriate to actual practice of licensee. Licensee should develop language that reflects its practices, using sample to conform to same level of detail.	No.
Wells Fargo (5-W)	2689.7(a) information in privacy notice	Wants to add sample clauses for "purposes" in Appendix A	Decline to accept. Because revised regulations will delete requirement of "purposes," a sample clause is unnecessary.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AIA (7-W)	2689.7(a) information in privacy notice	Does not want to include information on techniques used, purposes of information collected, and sources	Decline to accept in part, accept in part. Section 2689.7(a) pertaining to types of sources and investigative techniques is necessary to conform to provisions of CIC §791.04(b). Regulations will be revised, however, to delete the requirement to describe the purposes for which information is collected.	Revise. See 2689.7(a)(1-3)
AFLAC (2-W) PIFC (16-W) NAII (12-W) NAII (13-W)	2689.7(a) information in privacy notices	Does not want California-specific information requirements of purpose for which information collected and disclosed and types of businesses information disclosed to. Similar comment, but no categories of information given. Similar comment. Wants to refer to CIC 791.04(b) in mandating compliance. There is no authority to require purpose for which information is collected and disclosed.	Accept in part, decline to accept in part. Regulations will delete requirement of "purposes" for which personal information is collected and used. Regulations will retain the requirement of the types of business engaged in to describe categories of affiliated and nonaffiliated third parties to whom personal information may be disclosed, following the 2000 NAIC model regulation to facilitate uniformity nationwide.	Revise. See 2689.7(a)(1-3).

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Oregon Mutual (10-W)	2689.7(a)(3) information in privacy notice	Unclear whether notice must identify categories of third parties and types of businesses if such disclosures are permitted by CIC §791.13.	Accept. Regulations will be revised to clarify requirements when disclosures are pursuant to CIC §791.13.	Revise. See 2689.7(a)(3)
Oregon Mutual (11-W)	2689.7(a)(4) information in privacy notice	Unclear whether notice must identify categories of information and third parties if such disclosures are permitted by CIC §791.13.	Accept in part, decline to accept in part. Regulations will be revised to clarify requirements regarding categories of affiliates and nonaffiliated third parties if such information is disclosed pursuant to CIC §791.13. Upon careful review, it has been determined that the proposed regulations adequately clarify notice requirements regarding categories of personal information collected and disclosed.	Revise. See 2689.7(3).
HIS (8-W)	2689.7(a) medical record information	Does not want notice requirement that medical record information will not be disclosed without written consent. Alternatively, do not require if licensee does not disclose any information except as permitted by law. If required, delay until 2004.	Accept. Because 2689.11(a) already prohibits disclosure of medical record information without prior written authorization, the proposed regulations will delete the requirement in 2689.7(a)(2) as duplicative and to avoid confusion.	Revise. See 2689.7(a)(2).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
NAII (14-W)	2689.7(a)(6) information in privacy notices	Wants to delete subsection 6 requirement to describe categories of information and third parties to whom licensee discloses if personal information is disclosed pursuant to CIC §791.13(k) and no other exceptions apply as redundant to subsections 2 and 3.	Decline to accept. After careful review, it has been determined that subsection 6 is not redundant. However, to simplify, subsection 3 will be revised to make clear what information is necessary if the information is disclosed pursuant to CIC §791.13(k).	See 2689.7(a)(3).
NAII (15-W)	2689.7(a)(7) information in privacy notices	Wants to delete subsection 7 as redundant to subsection 3.	Decline to accept. After careful review, it has been determined that this subsection is not redundant and makes clear the information to be included in privacy notices.	No.
PIFC (1-W)		Wants to delete conditional language preceding "a statement explaining that information may be disclosed to affiliates for marketing purposes without obtaining prior authorization" because it is misleading and implies licensee needs to provide opt out opportunity or obtain opt in authorization.	A licensee may choose to provide a consumer the opportunity to opt in or opt out before disclosing personal information to affiliates for marketing purposes. Regulations do not preclude stricter standards by licensees.	

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Oregon Mutual (12-W)	2689.7(a)(8) information in privacy notice	Revise to state that explanation of opt out rights is not required if insurer does not make disclosures subject to opt out rights.	Decline to accept. Section 2689.7(a) already states that only provisions that apply to licensees must be included in notices.	No.
Oregon Mutual (13-W)	2689.7(a)(11) right to access and correct personal information	Wants statement that first party and third party claimants do not have right to access claims-related files.	Decline to accept. This statement is unnecessary. CIC §791.08(f) provides that consumer rights of access to personal information do not extend to information collected in connection with a claim or civil or criminal proceeding involving them.	No.
HIS (9-W)	2689.7(b) categories of information	Wants to use the term "transaction information" as a category of information. Wants example of satisfactory description.	Decline to accept for reason that a consumer needs more than general terms to understand the categories of information a licensee may disclose. Since 2689.7(b) is repeated in Appendix A, it will be deleted here for purposes of continuity. Examples are already listed in Appendix A.	Revise. See 2689.7(b).
Oregon Mutual (14-W)	2689.7(c) information in privacy notice	Unclear what information is required.	Decline to accept. Comment is very broad. Insufficient detail to respond further.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
State Farm (3-W)	2689.7(d) abbreviated notice	Clarify that abbreviated notice may be used.	Decline to accept. Reference to CIC §791.04(c) makes clear that abbreviated notice may be provided. The regulation does not repeat statutory provisions to avoid unnecessary duplication of the statute.	No.
Oregon Mutual (15-W) NAII (17-W)	2689.7(d) abbreviated notice	Clarify whether licensee must provide more than the complete notice, set forth in CIC §791.04(d), if insurer uses abbreviated form of notice and insured requests more information. Similar comment. Suggests referring to "notice prescribed in 2689.7(a)"	Accept. [Reference in comment to CIC §791.04(d) construed as §791.04(c)(4).] Regulations will be revised to clarify a licensee's obligation when providing an abbreviated notice and the consumer requests more information.	Revise. See 2689.7(d).
NAII (16-W)	2689.7(d)(2) abbreviated notice	Change reference to Section 2689.7(a) instead of CIC §791.04(b).	Accept. Regulations will change reference to 2689.7(a) from CIC §791.04(b) for ease of reference.	Revise. See 2689.7(d)(2).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
CU (1-W)	2689.8 opt out	Does not want opt-out approach. Wants opt-in for all information sharing.	Decline to accept. Regulations cannot conflict with explicit provisions of CIC §791-791.27. For example, §791.13(k)(2) permits opt out approach for sharing nonpublic personal information with nonaffiliated third parties for marketing purposes. Statutory changes require legislative action.	No.
PIFC (19-W) AAI (5-W) HIS (13-W) AIA (17-W)	2689.8(a) opt out form	Does not want California specific opt out form.	Decline to accept in part, accept in part. Misinterprets Section 2689.8. This section allows flexibility in the use of a heading and point size as long as the purpose of the notice is similarly highlighted.	Revise. See 2689.8(a)
State Farm (4-W)		Similar comment, citing mandated verbiage, type size, delivery methods, and toll-free telephone number.	Regulations will be revised to clarify that the licensee must provide either a self-addressed postage paid return envelope or toll-free number or electronic method (only if the consumer agrees to such method) that consumers may use to opt out.	
HIS (11-W)		Does not want mandated heading in circumstances where insurer does not disclose to nonaffiliated third parties.	Misinterprets provision. An opt out notice is applicable only if required to provide one.	

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AIA (25-W)	2689.8(a) opt out	Wants to include the opt out notice with or on the same form as the initial privacy notice as in the NAIC model regulation.	Decline to accept. This comment misinterprets the provision. Section 2689.8 follows the NAIC model regulation. A licensee may include the opt out notice with the initial privacy notice, as long as placement requirements in section 2689.8(b) are followed.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (19-W) HIS (10-W) AAI (7-W) AIA (18-W)	2689.8(a) opt out methods	Does not want postage paid return envelope requirement.	Accept. Regulations will be revised to permit the licensee to select a postage paid return envelope or toll-free telephone number or electronic method, only if the consumer agrees to an electronic method, for use by the consumer to opt out.	Revise. See 2689.8(a)
NAII (18-W)		Same comment. Wants flexibility to establish toll-free number or website.		
Wells Fargo (6-W)		Same. Wants option to provide toll-free number instead of postage paid reply envelope		
AIA (24-W) CCIP (1-O) IBA (4-O) State Farm (4-W)		Similar. Wants flexibility to select reasonable means to opt out, as in NAIC model regulation		
AAA (2-W) HIS (13-W)		Does not want mandated toll-free telephone number	Misinterprets provision. Section 2689.8(a) identifies a toll-free telephone number as one of several methods deemed reasonable to provide the consumer an opportunity to exercise the right to opt out, but does not mandate the use of a toll-free number.	

Comment Source	Section	Summary of Comment	Response	Revisions Needed
HIS (12-W)	2689.8(a) opt out form	Does not want requirement to identify insurance product/service that opt out direction would apply to.	Decline to accept. This requirement is necessary to provide adequate notice to a consumer so that the consumer may make a decision and provide direction to the licensee regarding the sharing of his or her personal financial information. This requirement follows the 2000 NAIC model regulation for uniformity nationwide. Regulations will be revised to clarify that a licensee may provide an opt out form to joint consumers to opt out singly or jointly.	Revise. See 2689.8(a).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (20-W) HIS (14-W) NAII (19-W) Wells Fargo (7-W)	2689.8(b) placement of opt out form	Clarify if 2689.8(b) requires that, if opt out form is mailed with renewal offer, opt out form must be the first page. Wants to include California opt out form in GLBA privacy statement, not separately Does not want opt out form as first page of mailing. Similar comment. Wants to place privacy notice ahead of opt out	Accept comment to clarify; decline to accept suggestion to change placement order. Regulations will be revised to clarify that if a licensee mails the opt out notice with information that is not a bill or renewal offer, the opt out notice shall be placed as the first page of the mailing. First page placement in mailings with other materials furthers the purpose of drawing attention to the opt out notice so that a consumer is aware of and does not miss the opportunity to opt out.	Revise. See 2689.8(b)
NAII (20-W)	2689.8(b) opt out form	Does not want to send additional copy of initial privacy notice when opt out form sent after delivery of initial privacy notice because of cost and confusion.	Decline to accept. This requirement follows the 2000 NAIC model regulation and is necessary for the consumer to make a decision and provide direction to the licensee regarding the sharing of his or her personal financial information.	Revise. See 2689.8(a).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Oregon Mutual (16-W)	2689.8(c) agent requirements	Clarify that agent is not subject to notice/opt out requirements if 1) agent discloses information as permitted by law and 2) principal does not include opt out notice because it is not applicable	Accept suggestion to clarify. Regulations will be revised to clarify notice and opt out requirements for a licensee who is an employee or agent of another licensee. Clarification of comment #2 is not necessary because, as stated in 2689.8(a), opt out notice requirements apply only if the licensee is required to provide an opt out notice.	Revise. See 2689.8(c) and (d).
PIFC (21-W) AAA (3-W) NAII (21-W) CCIP (1-W)	2689.8(c) agent requirements	Does not want agent subject to notice and opt out requirements to shop risk to other insurers	Decline to accept. Agent notice and opt out requirements follow the 2000 NAIC model regulation regarding "shopping around the risk" to other insurers, pursuant to CIC §791.13(k).	Revise. See 2689.8(c) and (d).
AAA (4-W)	2689.8(d) opt-out	Eliminate language of "implied authorization" because explicit authorization is not required.	Accept. Regulations will delete reference to "implied authorization" to avoid confusion.	Revise. See 2689.8(d)
NAII (22-W) HIS (15-W)	2689.8(d)(2) account balance and payment history	There is no authority to prohibit disclosure of account balance and payment history.	Accept. Regulations will delete prohibition against disclosure of account balance and payment history.	Revise. See 2689.8(d)(2).

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Wells Fargo (8-W)	2689.8(d)(2) account number and policy number	Clarify that disclosure of account number or policy number is permitted for business purposes as authorized under CIC §791.13.	Decline to accept. Misinterprets provision. §2689.8(a) states requirements only apply if licensee is required to provide an opt out notice before disclosing nonpublic personal information.	No.
NAII (23-W)	2689.8(d)(3) opt out	There is no authority to require compliance with CIC §791.13(k)(1) rather than 791.13(k)(2) when consumer declines to opt out. Wants to delete requirement.	Decline to accept. CIC §791.13(k) explicitly prohibits the disclosure of medical record information and certain other personal information to a third party for marketing purposes. Authority for Section 2689.(d) is implied from the statute and granted by 15 U.S.C. §6801, 6805 and 6807.	No.
HIS (16-W)	2689.8(e) joint opt out	Does not want requirement of statement that notice is provided on joint basis.	Decline to accept. Misinterprets provision. Licensee has flexibility to send a notice to each consumer or a single notice on a joint basis. The requirement that a licensee explain how an opt out direction by a joint consumer will be treated follows the NAIC model regulation for nationwide uniformity.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
NAII (24-W)	2689.8(e) joint opt out	Does not want requirement that licensee assumes full responsibility for accuracy, understandability, and timely delivery of notice to its own customers if provides single opt out notice to joint consumers.	Accept. Regulations will be revised to delete this requirement.	Revise. See 2689.8(e)
PIFC (22-W) HIS (17-W) AIA (20-W) NAII (25-W)	2689.8(e) joint opt out	Correct typo regarding disclosure about joint policyholder who opted out.	Accept. Regulations will correct the inadvertent typographical error.	Revise. See 2689.8(e)
AIA (19-W)	2689.8(e) joint opt out	Wants to add examples of joint opt out notices as in NAIC model regulations	Decline to accept. Upon careful review, it has been determined that the regulations adequately describe the standards for a joint opt out notice without the necessity of further lengthening the regulations with additional examples.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (23-W) State Farm (5-W) AAI (8-W) MetLife (6-W) NAII (26-W) Wells Fargo (9-W) HIAA (4-O) HIS (18-W)	2689.8(f) 45 day time period to opt out	Does not want 45 days to exercise opt out. Recommends 30 days to follow GLBA and other states. Similar comment. Wants "reasonable time"	Accept. Regulations will be revised to require a 30 day time period, rather than 45 days, for a consumer to opt out before a licensee may share personal information for marketing purposes with a nonaffiliated third party.	Revise. See 2689.8(f)
AAA (7-W)	2689.8(g) opt out revocation	Unclear as to how and when to revoke opt out direction electronically	Accept. Regulations will clarify the use of an electronic method of communication for opt out directions is at consumer's choice.	Revise. See 2689.8(g).
Wells Fargo (11-W)	2689.9 revised privacy notices	Does not want requirement to provide new authorization or opt out form and new waiting period unless changes to privacy practices require them.	Decline to accept in part, accept in part. Regulations will be revised to delete requirement for new authorization form, retaining requirement for new opt out notice before a licensee discloses personal information to a nonaffiliated third party other than as described in the previous notice. This requirement follows the NAIC model regulation to facilitate uniformity nationwide.	Revise. See 2689.9.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
MetLife (6-W) NAII (27-W) Wells Fargo (10-W)	2689.9(3) revised privacy notices	Does not want 45 days to opt out. Wants 30 days.	Accept. Regulations will revise time period to 30 days for a consumer to provide an opt out direction to the licensee.	Revise. See 2689.9(2) and 2689.8.
IBA (5-O)	2689.10 electronic delivery of notices	Wants to obtain customer's consent electronically even if product or service is not obtained online	Decline to accept. Section 2689.10(a) already provides that a notice can be provided electronically if the consumer so agrees, whether or not the product was originally obtained online. However, notice cannot be provided electronically to a consumer who has no means to access an electronic notice. This requirement follows the 2000 NAIC model regulation.	No.
AFLAC (4-W)	2689.10 delivery of notices	Revise to permit single privacy notice to joint consumers, following 2000 NAIC model act.	Decline to accept. Misinterprets provision. 2689.10 focuses on delivery methods, rather than to whom a licensee shall provide a notice.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
AAI (10-W)	2689.11 medical record information	There is no authority in GLBA to address medical record information. Alternatively, wants to conform regulation of medical record information to U.S. Dept. of Health and Human Services rules or delay effective date until April 2003.	Decline to accept. Authority to regulate the collection, use and disclosure of medical record information, defined in CIC§ 791.02(s), is implied in CIC §791 et seq. Dept. of Health and Human Services rules explicitly authorize states to adopt greater privacy protection. 45 CFR §160.203(b).	No.
AAI (11-W)	2689.11 medical record information	Wants same exceptions to apply to medical record information as in CIC §791.13.	Decline to accept. CIC §791.13(k) explicitly excludes medical record information from disclosure for marketing purposes without written authorization pursuant to §791.13(a). Statutory changes require legislative action.	No.
AIA (21-W)	2689.11 medical record information	Wants to add exceptions provided in federal Health Insurance Portability and Accountability Act privacy rules as well as insurance function exceptions listed in NAIC model regulation.	Decline to accept as duplicative. §2689.11(b) of the proposed regulations already excepts business, professional and insurance functions, pursuant to CIC §791.13. Future changes may be proposed in light of any changed legal requirements.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
NAII (28-W)	2689.11(a) medical record information	Clarify by citing CIC §791.02(q).	Accept. Regulations will be revised to define "medical record information" by citing CIC §791.02(q) in the definition section under "personal information."	Revise. See 2689.4(i)
MetLife (7-W)	2689.11(b) medical record information	Wants to limit reference to CIC §791.13 to subsection (b) of CIC §791.13.	Decline to accept. Broad reference to CIC §791.13 incorporates subsections (b) and (c). As such, it is more accurate than limiting reference to CIC §791.13(b).	No.
NAII (29-W) Prudential (3-O) IBA (6-O) State Farm (6-W)	Article IV	Wants to wait for NAIC to adopt model regulation on safeguarding for uniformity	Decline to accept. 15 U.S.C. §6805 requires states to adopt regulations now to preserve greater privacy protections permitted by CIC §791 et seq.. Additionally, the NAIC has now adopted the Safeguarding Model.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Wells Fargo (12-W) AFLAC (5-W) HIAA (5-O) AIA (10-W) MetLife (8-W)	Article IV	Wants to follow GLBA approach of guidelines. Does not want mandatory requirements. Similar comment. Wants flexibility Similar comment. Does not want mandates of Sections 2689.15-2689.19.	Accept. Regulations will be revised to follow the NAIC model regulation of establishing flexible guidelines rather than prescriptive standards. Section 2689.15 parallels objectives set forth in 15 U.S.C. §6801 and authorized by 15 U.S.C. §6801, 6805, and 6807. As amended, Sections 2689.15-2689.19 do not impose mandates.	Revise. See sections 2689.12, 2689.16, 2689.17, 2689.18, and 2689.19
AIA (11-W)	2689.13(b) definition of service provider	Does not want definition of service provider	Decline to accept. It is appropriate to define the term "service provider" referred to in 2689.18 for clarity.	No.
Wells Fargo (13-W)	2689.13(b) definition of service provider	Definition is too broad. Wants to limit to provider who has regular systematic access to nonpublic personal information about large number of customers.	Decline to accept. Upon careful review, the definition appears appropriate and follows the NAIC model regulation for standards for safeguarding customer information	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
CAHU (4-O)	Article IV	Not clear what is meant by physical safeguards for protection of nonpublic personal information.	Decline to accept. Because of the varying size and complexity of licensees, it is impractical to further define the term since physical safeguards will differ among licensees. This follows the NAIC model.	No.
PIFC (24-W) Farmers (5-W)	2689.14 information security program	Does not want standard of "appropriate to size and complexity of nature and scope of activities" because it is too vague.	Decline to accept. The flexibility permitted by this standard follows the NAIC model regulation to facilitate uniformity nationwide. Because of the varying size and complexity of licensees, allowing flexibility is appropriate.	No.
CAHU (5-O)	2689.14 information security program	Wants template for written information security plan	Decline to accept. Because of the varying size and complexity of licensees, it is impractical to craft a universal template.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (25-W)	2689.15 objectives of security program	Does not want mandatory objectives. Wants to substitute "protect" for "ensure" in 2689.15(a).	Decline to accept. Upon careful review, it has been determined that establishing objectives for an information security program is essential to guide licensees in developing a program appropriate to the licensee. The term "ensure" follows the NAIC model regulation to facilitate uniformity nationwide.	No.
PIFC (26-W)	2689.16 risk assessment	Wants risk assessment report to be confidential because of proprietary information.	Decline to accept. It is not envisioned that a risk assessment report would contain proprietary information. To the extent that it does, other laws protect proprietary information.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (27-W)	2689.18 service providers	Clarify obligations of licensee to "oversee" service providers and exercise "due diligence" in their selection.	Decline to accept in part, accept in part. The regulations will be revised to eliminate the requirement to "oversee" service providers while retaining the need to exercise "due diligence." Upon careful review, it has been determined that the term conveys meaning and further clarification would unnecessarily lengthen the regulations. This follows the NAIC model.	Revise. See 2689.18
AIA (11-W) Metlife (9-W)	2689.18 service providers	Does not want any requirement of oversight of service providers. There is no authority to regulate non-licensees through a licensee.	Accept in part. The regulations will eliminate the requirement to "oversee" service providers. Section 2689.18 regulates licensees. Authority is implied in CIC §791-791.27. 15 U.S.C. §6802 regulates a non-licensee through the licensee by requiring a contract with third party service providers to maintain confidentiality of information. This language follows the NAIC model.	Revise. See 2689.18

Comment Source	Section	Summary of Comment	Response	Revisions Needed
Wells Fargo (14-W) CAHU (5-O) PIFC (1-O)	2689.18(b) service providers	Wants to limit oversight requirements to service providers that have regular access to personal information about large numbers of consumers. Clarify service providers affected. Kinko's? Computer maintenance?	Decline to accept. The definition of "service provider" in 2689.13(b) is clear and follows the NAIC model regulation on standards for safeguarding personal information. However, section 2689.24 now requires amendment of contracts only if a nonaffiliated service provider obtains confidential nonpublic personal information in connection with the contract.	No
AIA (12-W)	2689.20 enforcement	Clarify that no private right of action exists for violation of security safeguards in Article IV.	Decline to accept. Section 2689.20 of the proposed regulations governs enforcement by the Commissioner under CIC §791.15. Clarification of any private right of action is not related to this section. Thus, the comment requires no further response.	No.

Comment Source	Section	Summary of Comment	Response	Revisions Needed
PIFC (28-W)	2689.22 non discrimination	Does not want licensee subject to nondiscrimination because consumer withheld authorization to disclose personal information to underwrite policy.	Decline to accept. Regulations follow the 2000 NAIC model regulation to facilitate uniformity nationwide.	No.
MetLife (10-W)		Wants to exempt "underwriting or claims assessment"		
Wells Fargo (15-W) Prudential (2-O)		Make clear licensee can deny product or service if consumer does not consent to necessary disclosures to provide product		
AAI (11-W)		There is no authority.	Authority is implied in CIC §791-791.27 and granted in 15 U.S.C. Sections 6801, 6805, and 6807. This section does not affect a licensee's ability to obtain underwriting information.	

Comment Source	Section	Summary of Comment	Response	Revisions Needed
NAII (30-W)	2689.22 non discrimination	Revise to use "medical record information" rather than "health information" for consistency.	Accept. Regulations will change "health" information to "medical record "information to maintain consistency with CIC §791-791.27.	Revise. See 2689.22.
NAII (31-W) Wells Fargo (16-W) IBA (1-O) ACIC (1-O)	2689.24 effective date	Wants to extend compliance 12 months Similar comment. Wants to wait until session of Legislature ends.	Decline to accept. Regulations will be revised to delete section on effective date. CDI will insert the effective date at the time the rulemaking file is submitted. .	Revise. See 2689.24
AAI (12-W) Oregon Mutual (17-W) Wells Fargo (17-W)	2689.24 third party contracts to require confidentiality	Wants to extend compliance 2 years. Wants to postpone to date of annual notice or Dec. 31, 2002, whichever is earlier. Wants to extend compliance to Dec. 31, 2003.	Decline to accept. After careful review, it has been determined that licensees have had adequate notice by extending compliance. Regulations will be revised to clarify requirements for contracts with nonaffiliated third parties entered into or in force after July 1, 2002.	Revise. See 2689.24